

## ORDINANCE NO. 76 0212-B

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF PEYTON GIN ROAD IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY PAT CANION EXCAVATING COMPANY ; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

SECTION 1. That the work of improving the following street and portions thereof in the City of Austin, Texas, to-wit:

<u>UNIT NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
71-9	Peyton Gin Road	E.G.L. Research Blvd.	W.G.L. North Lamar Blvd.

by raising, grading, filling, widening, repairing, paving and repaving same and by the construction, reconstruction and realignment of concrete curbs and gutters where the Director of Public Works determined that adequate curbs and gutters did not exist upon proper grade and line, by the construction or reconstruction of drains and other necessary incidentals and appurtenances, said paving consisting of a minimum of one and one-half inch (1-1/2") asphaltic concrete surface course upon an eight inch (8") flexible sub-base, and doing other work incidental thereto, all as provided for in, and in accordance with the Plans and Specifications for such improvements, having been performed and completed in accordance with the terms and provisions of the Contract and the Plans and Specifications therein contained, dated August 12, 1971, between the City of Austin, Texas, and Pat Canion Excavating Company, the Director of Public Works of said City having measured, examined and caused to be tested the finished improvements by the means and in the manner provided for by the terms of such contract and the Plans and Specifications therein contained, and the said Director of Public Works having found that such improvements have been constructed and completed in full compliance with the terms of such Contract and the Plans and Specifications therein contained, and having approved and accepted said improvements and work and having heretofore issued his Certificate of Final Acceptance, and having so certified to the City Council of the City of Austin, and having recommended that such City Council accept and receive said work and improvements as constructed by the said Pat Canion Excavating Co., and said work and improvements having been found by the Mayor and the said City Council of the City of Austin, to have been performed and completed in full compliance with the terms of said Contract and Plans and Specifications, the same are hereby now accepted and approved by said City Council of the City of Austin, Texas.

SECTION 2. That the Mayor and the City Clerk of said City are hereby authorized and directed to issue to the City of Austin special assessment certificates evidencing the assessments against property improved abutting upon said street within the limits above defined, and against the real and true owner or owners thereof; said assessment certificates to be executed in the name of the City of Austin by the Mayor and City Clerk thereof and impressed with the seal of said City, and dated as of the date hereof, and such officers are hereby authorized and directed to execute said certificates in their official capacities on behalf of said City, and to deliver same to the City of Austin.

SECTION 3. That the fact that it is necessary to immediately complete the improvements upon the hereinabove described street in said City and to complete the assessments levied for a portion of the cost of said improvements upon and against the properties abutting upon said street, and the owners thereof, creates a public emergency for the preservation of the public peace, health, safety, and general welfare, requiring that the Charter Rule providing that no ordinance shall go into effect before the expiration of ten (10) days from the date of its final passage, and all other ordinances and rules requiring more than one reading or prohibiting the passage of an ordinance on the date of its introduction and passage, be, and all of the same are, hereby suspended, and this Ordinance shall be passed on the date of its introduction and shall take effect as an emergency measure and be in full force from and after its passage, and it is so ordained.

PASSED AND APPROVED

February 12, 1976

APPROVED:

City Attorney

ATTEST:

City Clerk

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CKB:sh